

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ANTHONY PAUL ACOSTA,
Plaintiff,

vs.

OLD 77 TRUCKING,
Defendant.

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§
§

C.A. No. 1:16-CV-00952

INDEX OF STATE COURT DOCUMENTS

Defendant OLD 77 TRUCKING files this Index of State Court Documents, and
attaches hereto as follows:

1. Civil Docket
2. Issuance of Process
3. Case Information
4. Plaintiff's Original Petition, Request for Disclosure, Interrogatories, and Request
for Production to Defendant Old 77 Trucking;
5. Civil Case Information Sheet;
6. Request for Issuance of Process;
7. Citation; and,
8. Defendant's Original Answer.

Respectfully submitted,

SHELTON & VALADEZ, P.C.
600 Navarro, Suite 500
San Antonio, Texas 78205
rvaladez@shelton-valadez.com
Telephone: (210) 349-0515
Telecopier: (210) 349-3666

By: 

ROBERT A. VALADEZ, Attorney-in-Charge
State Bar No. 20421845

COUNSEL FOR DEFENDANT
OLD 77 TRUCKING

CERTIFICATE OF SERVICE

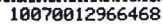
I certify that a true and correct copy of the above and foregoing was electronically filed and served in accordance with the Federal Rules of Civil Procedure on the 8th day of August, 2016, to counsel of record as follows:

Peter Mills
BONILLA LAW FIRM
3910 S. IH-35, Suite 200
Austin, Texas 78704
pmills@jonbonilla.com



ROBERT A. VALADEZ

#419906



Filed: 06/23/2016

[illegible]

ANTHONY PAUL ACOSTA VS. OLD 77 TRUCKING

Pladmlif

Acosta, Anthony Paul

Lead Attorney

Mills, Peter

Defendant

Old 77 Trucking

Lead Attorney

TRUE AND
CORRECT COPY

[illegible]**Tab 1**

I, BEVERLY CRUMLEY, District Clerk of Hays County, Texas, hereby certify that the foregoing consisting of 1 pages, is a true, correct and full copy of the instrument herewith set out as it appears of record in the District Clerk's Office of Hays County, Texas this 3 day of AUGUST, 20 16.
Beverly Crumley, District Clerk

By: 
Deputy

6/23/2016 5:45:42 PM

TRUE AND
CORRECT COPYBeverly Crumley
District Clerk
Hays County, Texas**BEVERLY CRUMLEY**
HAYS COUNTY DISTRICT CLERKHays County Government Center 712 S. Stagecoach Trail #2211 San Marcos, Texas 78666
PHONE (512) 393-7660 FAX (512) 393-7674ISSUANCE OF PROCESS INSTRUCTIONS
CAUSE NUMBER: 16-1236**TYPE OF PROCESS:**

- ☒ Citation ☐ Citation by Posting ☐ Temporary Restraining Order
☐ Citation by Publication (Please indicate which newspaper below)
☐ Temporary Injunction ☐ Permanent Injunction ☐ Show Cause Notice
☐ Precept ☐ Appl. and Temp Ex Parte Protective Order ☐ Capias
☐ Writ of Attachment (person) ☐ Writ of Habeas Corpus ☐ Writ of Sequestration
☐ Writ of Garnishment ☐ Criminal Subpoena
☐ Other _____ (Do not request post judgment remedies, use Request for Post Judgment Writ/Request for Abstract of Judgment forms)

TYPE OF SERVICE:

- ☐ Attorney will pick up (Place in Attorney Box)
☐ Runner/Process Server will pick up (Place in Pick Up Box)
☒ Mail to Attorney's Office/Requesting Party
☐ Forward to Constable's Office **Service Fee and Copy or Copy Fee Required**
☐ Serve by Certified Mail **Service Fee and Copy or Copy Fee Required**
☐ Publication (Circle one) Hays Free Press San Marcos Daily Record
 (*Service Fee Required*) Brief Statement of Suit (use reverse side)
☐ Posting at Courthouse Door
 (*Service fee and copy or copy fee required*) Brief Statement of Suit (use reverse side)

TITLE OF DOCUMENT TO BE SERVED AND FILE

DATE: (Citation and original petition, discovery requests) _____

PARTY TO BE SERVED: (Please fill out a new request form per party to be served) ****Do not complete this section if filing Application for Criminal Subpoena****NAME/AGENT: Raymond Sveeggen, d/b/a Old 77 TruckingADDRESS: 29475 472nd AvenueCITY/STATE/ZIP: Beresford, SD 57004SIGNATURE OF PARTY REQUESTING SERVICE: Peter MillsPHONE NUMBER: 512-441-1111E-MAIL: <pmills@jonbonilla.com>****IF SERVICE IS NOT PICKED UP WITHIN 14 BUSINESS DAYS, IT WILL BE DESTROYED*******Handwritten note:*
VJ 6/29/16
mailed to
attor**Tab 2**

I, BEVERLY CRUMLEY, District Clerk of Hays County, Texas, hereby certify that the foregoing consisting of 1 pages, is a true, correct and full copy of the instrument herewith set out as it appears of record in the District Clerk's Office of Hays County, Texas this 3 day of August, 20 16.

Beverly Crumley, District Clerk

By: 

Deputy

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CORRECT COPY

22nd
Charlotte

Print this page

Case # 16-1236**Case Information**

Location	Hays County - District Clerk
Date Filed	06/23/2016 05:45:42 PM
Case Number	16-1236
Case Description	
Assigned to Judge	
Attorney	Peter Mills
Firm Name	Bonilla Law Firm
Filed By	Peter Mills
Filer Type	Not Applicable

Fees

Convenience Fee	\$9.15
Total Court Case Fees	\$297.00
Total Court Party Fees	\$0.00
Total Court Filing Fees	\$14.50
Total Court Service Fees	\$2.00
Total Filing & Service Fees	\$0.00
Total Service Tax Fees	\$0.00
Total Provider Service Fees	\$3.00
Total Provider Tax Fees	\$0.25
Grand Total	\$325.90

Payment

Account Name	Firm Credit Card
Transaction Amount	\$325.90
Transaction Response	Approved
Transaction ID	18183740
Order #	011312927-0

Petition

Filing Type	EFileAndServe
Filing Code	Petition
Filing Description	Petition
Reference Number	203358
Comments	Please issue citation suitable for service on Defendant as listed in the request form, and mail same to Bonilla Law Firm, 3910 S. IH-35, Suite

Tab 3

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200, Austin, Texas, 78704. Thank you for your assistance.

Status Accepted
 Accepted Date 06/24/2016 08:13:07 AM
Fees
 Court Fee \$14.50
 Service Fee \$0.00

Optional Services
 >Issue Citation \$8.00
 >Copies - Non-Certified \$6.50 (13 x \$0.50)

Documents

Attachments Request+for+Issuance+of+Process.pdf [Original] [Transmitted]
Lead Document 06.23.16 Acosta v Old 77 Trucking_POP, [Original] [Transmitted]
 discov.pdf

eService Details

Name/Email	Firm	Service Type	Status	Served	Date/Time Opened
Peter Mills PMills@jonbonilla.com	Bonilla Law Firm	EServe	Sent	Yes	Not Opened
Nicholas Madsen nmadsen@jonbonilla.com	Bonilla Law Firm	EServe	Sent	Yes	Not Opened

Affidavit of Inability to Pay

Filing Type EFileAndServe
 Filing Code Affidavit of Inability to Pay
 Filing Description Civil Case Information Sheet
 Reference Number 203358
 Comments
 Status Accepted
 Accepted Date 06/24/2016 08:13:07 AM
Fees
 Court Fee \$0.00
 Service Fee \$0.00

Documents

Lead Document Civil Case Information Sheet.pdf [Original] [Transmitted]

**TRUE AND
CORRECT COPY****eService Details**

Name/Email	Firm	Service Type	Status	Served	Date/Time Opened
Peter Mills PMills@jonbonilla.com	Bonilla Law Firm	EServe	Sent	Yes	Not Opened
Nicholas Madsen nmadsen@jonbonilla.com	Bonilla Law Firm	EServe	Sent	Yes	Not Opened

I, BEVERLY CRUMLEY, District Clerk of Hays County, Texas, hereby certify that the foregoing consisting of 3 pages, is a true, correct and full copy of the instrument herewith set out as it appears of record in the District Clerk's Office of Hays County, Texas this 3 day of August, 2016.
Beverly Crumley, District Clerk

By: 

Deputy

**TRUE AND
CORRECT COPY**FILED
6/23/2016 5:45:42 PM
Beverly Crumley
District Clerk
Hays County, TexasCause No. 16-1236ANTHONY PAUL ACOSTA
Plaintiff,

v.

OLD 77 TRUCKING
Defendant.§
§
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§
§
§

IN THE DISTRICT COURT

____ JUDICIAL DISTRICT

HAYS COUNTY, TEXAS

**PLAINTIFF ANTHONY PAUL ACOSTA'S ORIGINAL PETITION,
REQUEST FOR DISCLOSURE, INTERROGATORIES, AND
REQUEST FOR PRODUCTION TO DEFENDANT OLD 77 TRUCKING**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Anthony Paul Acosta, hereinafter referred to as Plaintiff, complaining of Old 77 Trucking, hereinafter referred to Defendant, and in support of same would show the court as follows:

I. JURISDICTION AND VENUE

1.1 The Court has jurisdiction over this cause as the amount in controversy is within the jurisdictional limits of this Court.

1.2 Monetary relief of over \$1,000,000 is being sought.

1.3 Pursuant to §15.002(a)(1) of the Texas Civil Practices and Remedies Code, venue is proper in Hays County, Texas.

II. DISCOVERY CONTROL PLAN

2.1 Pursuant to Rule 190.4 of the Texas Rules of Civil Procedure, Plaintiff intends to conduct discovery under a Level Three (3) Discovery Control Plan.

III. PARTIES

3.1 Plaintiff, Anthony Paul Acosta, is an individual residing in Kyle, Texas. The last three digits of his driver's license and social security number are 051 and 823, respectively.

3.2 Defendant, Old 77 Trucking, is an alias of Raymond Sveeggen, who may be served with process at his place of residence, 29475 472nd Avenue, Beresford, SD, 57004.

Citation is requested.

IV. FACTS

4.1 On or about June 6, 2016, Plaintiff, Anthony Paul Acosta was working at his job at El Milagro of Texas, Inc., at its facility located on 400 Barnes Drive in San Marcos, Hays County, Texas. Acosta and his co-worker Karina Noriega were assisting with the unloading of grain from a “belly dump” trailer affixed to an Old 77 Trucking Peterbilt tractor truck operated by Raymond Sveeggen. In the usual course of his work and at the time in question, Acosta was physically situated under the trailer in front of its rear tires, when Sveeggen suddenly and unexpectedly released the truck’s air brakes and proceeded ahead, causing the rear of the trailer to crush Acosta’s lower extremities, thereby causing the injuries and damages made the basis of this suit.

V. NEGLIGENCE OF DEFENDANT

5.1 On the occasion in question, Defendant Old 77 Trucking was negligent and negligent per se through the acts and/or omissions of Raymond Sveeggen, who failed to exercise reasonable care in his operation of the Peterbilt, and whose negligence and negligence per se was a proximate cause of the ensuing incident and resulting damages sustained by Plaintiff, including failing to adequately ensure that the both the path of the tractor truck and trailer was clear and that no person was in danger of being run over before proceeding forward.

VI. DAMAGES

6.1 As a result of the incident, Plaintiff Anthony Paul Acosta incurred the following elements of damages: (a) reasonable and necessary medical and hospital bills in the

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past and in the future; (b) physical pain and mental anguish in the past and in the future; (c) physical impairment in the past and in the future; and (d) loss of wage-earning capacity.

6.2 Plaintiff, Anthony Paul Acosta, is entitled to pre-judgment interest on his damages at the maximum legal rate as provided by law. Plaintiff is entitled to post-judgment interest on his damages at the maximum legal rate as provided by law.

PRAYER

WHEREFORE, premises considered, Plaintiff prays for a final hearing herein and judgment against the Defendant, for damages as alleged, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees, and for such other and further relief to which he may be entitled.

RESPECTFULLY SUBMITTED,

BONILLA LAW FIRM
3910 S. IH-35, Suite 200
Austin, TX 78704
Tel.: (512) 441-1111
Fax: (512) 445-7505



By: Peter Mills, TBN 24043827
pmills@jonbonilla.com

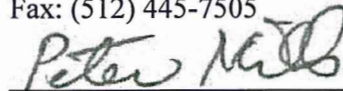
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**PLAINTIFF'S REQUEST FOR DISCLOSURE, INTERROGATORIES AND
REQUEST FOR PRODUCTION TO DEFENDANT OLD 77 TRUCKING**

Pursuant to Rules 194, 196, and 197 of the Texas Rules of Civil Procedure, Plaintiff, Anthony Paul Acosta requests that Defendant, Old 77 Trucking, no later than fifty (50) days following the service of this instrument, serve written responses to the following Request for Disclosure, Interrogatories, and Request for Production, and that the responses be received at the offices of Plaintiff's counsel, Bonilla Law Firm, 3910 S. IH-35, Suite 200, Austin, Texas, 78704. All discovery requests shall be deemed continuing so as to require supplementation as provided by the Texas Rules of Civil Procedure.

RESPECTFULLY SUBMITTED,

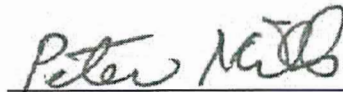
BONILLA LAW FIRM
3910 IH-35 South, Suite 200
Austin, TX 78704
Tel.: (512) 441-1111
Fax: (512) 445-7505



Peter Mills

CERTIFICATE OF SERVICE

Undersigned counsel certifies that the foregoing Request for Disclosure, Interrogatories, and Request for Production have been served to Defendant Old 77 Trucking contemporaneously with service of the citation and Original Petition in this cause, in accordance with the Texas Rules of Civil Procedure.



Peter Mills

DEFINITIONS AND INSTRUCTIONS

1. As used herein, the terms "**you**" and "**your**" shall mean Defendant Old 77 Trucking, including its departments, agencies, and subdivisions, its employees, drivers, independent contractors, owner/operators, trip lessors and its attorneys, investigators, brokers, agents, or any other representatives.
2. As used herein, the term "**documents**" shall mean all writings of every kind, source and authorship, both originals and all non-identical copies thereof, in your possession, custody, or control, or known by you to exist, irrespective of whether the writing in one intended for or transmitted internally by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, computer or other information storage or retrieval systems, together with the codes and programming instructions and other materials necessary to understand and use such systems.

For purposes of illustration and not limitation, the term shall include: affidavits; agendas; agreements; analyses; announcements; bills, statements, and other records of obligations and expenditures; books; brochures; bulletins; calendars; canceled checks, vouchers, receipts and other records of payments; charts, drawings; check registers; checkbooks; circulars; collateral files and contents; contracts; corporate bylaws; corporate charters; correspondence; credit files and contents; deeds of trust; deposit slips; diaries, drafts; files; guaranty agreements; instructions; invoices; ledgers, journals, balance sheets, profit and loss statements, and other sources of financial data; letters; logs, notes, or memoranda of telephonic or face-to-face conversations; manuals; memoranda of all kinds, to and from any persons, agencies, or entities; minutes; minute books; notes; notices; parts lists; papers; press releases; printed matter (including books, articles, speeches, and newspaper clippings); purchase orders; records; records of administrative, technical, and financial actions taken or recommended; reports; safety deposit boxes and contents and records of entry; schedules; security agreements; specifications; statement of bank accounts; statements, interviews; stock transfer ledger; technical and engineering reports, evaluations, advice, recommendations, commentaries, conclusions, studies, test plans, manuals, procedures, data, reports, results, and conclusions; summaries, notes, and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams; teletypes and other communications sent or received; transcripts of testimony; UCC instruments; work papers; and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested.

A document is deemed to be in your possession, custody or control if you have either actual physical possession of a document or constructive possession of the document. Constructive possession means that you have a superior right to compel the production of

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such document or a copy thereof from a third party having actual physical possession of the document.

3. **"Person" or "persons"** means any natural persons, firms, partnerships, associations, joint ventures, corporations and any other form of business organization or arrangement, as well as government or quasi-governmental agencies. If other than a natural person, include all natural persons associated with such entity.
4. **Accident or Incident:** Unless otherwise defined in a specific request, the term **"accident"** or **"incident,"** as used herein, means the incident forming the basis for this suit.
5. **Driver:** As used herein, the term **"Driver or Drivers"** means any person employed, or contracted for or with, by Defendant, including persons known as co-drivers, independent contractors, owner operators or trip lessors and includes persons furnished to the Defendant and drivers by any other person or organization who perform driving services for or on behalf of Nunez Trucking, Inc.

REQUEST FOR DISCLOSURE

Pursuant to Rule 194.2 of the Texas Rules of Civil Procedure, Defendant is requested to disclose the following:

- (a) the correct names of the parties to the lawsuit;
- (b) the name, address, and telephone number of any potential parties;
- (c) the legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial);
- (d) the amount and any method of calculating economic damages;
- (e) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
- (f) for any testifying expert:
 - (1) the expert's name, address, and telephone number;
 - (2) the subject matter on which the expert will testify;
 - (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;

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- (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (B) the expert's current resume and bibliography;
- (g) any indemnity and insuring agreements described in Rule 192.3(f);
- (h) any settlement agreements described in Rule 192.3(g);
- (i) any witness statements described in Rule 192.3(h);
- (j) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;
- (k) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party; and
- (l) the name, address, and telephone number of any person who may be designated as a responsible third party.

INTERROGATORIES

INTERROGATORY NO. 1 Identify all mobile devices you regularly use, including those of family members and of your employer, and include telephone numbers.

ANSWER:

INTERROGATORY NO. 2: Please describe how the incident occurred and state specifically what you contend caused or contributed to the cause of the incident.

ANSWER:

INTERROGATORY NO. 3: Please identify arrests you have had for any crimes other than minor traffic citations (a DWI is a "minor traffic violation"), stating (a) the date of arrest, (b) the county or jurisdiction, (c) the disposition of any charges related to the arrest, (d) the cause number(s) of any cases filed by any prosecuting authority; and (e) the statute of the offense as listed in any charging instrument.

ANSWER:

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INTERROGATORY NO. 4: Was a urine sample taken from Raymond Sveeggen at any time, and also within 32 hours after the incident, and if not, why not? If yes, state the results of such test.

ANSWER:

INTERROGATORY NO. 5: Please describe in detail any conversations you have had with Plaintiff or Plaintiff's representative since the incident.

ANSWER:

INTERROGATORY NO. 6: Please describe in reasonable detail the content of any conversations you had with anyone else employed by El Milagro following the incident, the date or approximate dates and times the conversation(s) took place, and the identity of witnesses or people who were present when the conversation(s) took place.

ANSWER:

INTERROGATORY NO. 7: Please identify prior accidents or claims involving your vehicle(s), regardless of fault. A complete answer should include: date, location, identification of the driver of your vehicle, and whether any occupant of any vehicle involved in the accident made a claim or reported injuries from the accident.

ANSWER:

INTERROGATORY NO. 8: If you wear corrective lenses, contacts, glasses, hearing aids, or other devices that enable you to see or hear, were you wearing the corrective lenses, contacts, glasses, hearing aids, or other devices at the time of the collision?

ANSWER:

INTERROGATORY NO. 9: Give the name(s), of the person(s), firm(s), or corporation(s) that own the Peterbilt tractor truck and the trailer, respectively, that was being driven by Raymond Sveeggen, at the time of the incident in question, together with the company unit numbers and the trip number/trip identifier when the incident in question occurred.

ANSWER:

INTERROGATORY NO. 10: If you contend any defect or failure on the part of your vehicle caused or contributed to the incident, describe the defect, and how the defect or failure contributed to the collision.

ANSWER:

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STATE OF _____ §

COUNTY OF _____ §

BEFORE ME, the undersigned notary public, on this day personally appeared _____, authorized corporate representative of Nunez Trucking, Inc., who is [please check one] _____ personally known to me _____ proved to me upon oath of _____ identified by viewing his driver's license/identification card to be the person whose name is subscribed to the foregoing instrument, and after being duly sworn by me, stated on oath that the information contained in Defendant Old 77 Trucking's Answers and Objections to Plaintiff's Interrogatories is within his/her knowledge and is true and correct, except for those answers relating to legal contentions, which were provided by his/her counsel. Further, any legal objections were made by his/her counsel.

Signature_____
Printed Name

SUBSCRIBED AND SWORN TO BEFORE ME ON this _____ day of _____, 2016 to certify which witness my hand and official seal.

Notary Public, State of Texas

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REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: As to Raymond Sveeggen, the following documents and items:

- a. The complete personnel file;
- b. Record of required driving test;
- c. Record of required written test;
- d. Disciplinary actions;
- e. Driver's qualification file; and
- f. Driver's record.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: A copy of any drug testing and alcohol testing conducted on Raymond Sveeggen, from the date of his employment through and including the date of responding to this request.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Your maintenance standards, including the standards for the parts used to maintain and repair equipment.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: All documents and tangible things that you have of Plaintiff's or any aspect of Plaintiff's work ability and activity, the vehicle, parties, and scene in question following the incident.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: A copy of all photographs, drawings, maps, sketches, of the scene of the incident which have been made of the scene of the incident, the vehicle and equipment involved in the incident, and of the Plaintiff or Defendants involved in this incident.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: A copy of any movies, videotapes or other reproductions of the incident scene or of the parties involved in the incident.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: A copy of all plats, surveys, diagrams, sketches, and maps of the scene of the incident and vehicle involved.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: A copy of all investigative reports relating to the incident in question, including all documents, memoranda, photographs, videotapes, movies, statements, reports, drawings, communications, and other tangible things attached to such reports, or referred to therein, which were generated or obtained by or on behalf of the Defendant in the ordinary course of business of the Defendant, before a reasonable person would have concluded from the circumstances that there was a substantial chance of litigation. This request specifically excludes documents prepared by or for your attorneys.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: A copy of all documents, records, notations, or memoranda relating to the repair and maintenance of the truck driven by Raymond Sveeggen at the time of the incident, for the period of one (1) year immediately preceding the incident to the present. This Request specifically seeks all memoranda, invoices, estimates, itemized bills, descriptions of repairs, etc. for work performed by any mechanic or repairman who evaluated or repaired the truck.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: A copy of all accident reports filed by you with the National Transportation Safety Board (NTSB) relating to the incident in question, including all documents, memoranda, photographs, videotapes, movies, statements, reports, drawings, communications, and other tangible things attached to such reports, or referred to therein.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: A copy of all accident reports filed by you with any state regulatory agency relating to the incident in question, including all documents, memoranda, photographs, videotapes, movies, statements, reports, drawings, communications, and other tangible things attached to such reports, or referred to therein.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: A copy of all loss control reports made by any present or previous insurance company concerning your operations.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Any and all contracts describing the obligation of any person, firm or corporation other than an insurance company to provide

investigative or legal defense services for the benefit of Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Copies of all documents, including but not limited to medical records, photographs, incident reports, insurance claim forms, pleadings filed with any court, in regard to the Plaintiff that may be related to the following:

- a. Pre-existing injuries;
- b. Previous lawsuits;
- c. Previous workers' compensation claims;
- d. Pre-existing conditions;
- e. Previous convictions;
- f. Previous incidents;
- g. Previous insurance claims; or
- h. Any other matter that could be used to impeach Plaintiff's credibility.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: A copy of any and all medical records pertaining to Plaintiff in your possession obtained by any source other than those records supplied to you by counsel for Plaintiff herein, in response to your requests for medical records.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: A copy of any surveillance movies of photographs which have been made of Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: A copy of all telephone records, including usage data, for the mobile devices identified in response to Interrogatory No. 1.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: All records which show the days worked by Raymond Sveeggen in the 12-month period prior to June 6, 2016, including records of jobs performed, time records, invoices and payroll records.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 19: Please produce a copy of all driver's log books kept for the year preceding the incident until present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: A copy of any prescriptions for corrective lenses, contacts, glasses, hearing aids, or other devices referenced in Interrogatory No.8:

RESPONSE:

I, BEVERLY CRUMLEY, District Clerk of Hays County, Texas, hereby certify that the foregoing consisting of 13 pages, is a true, correct and full copy of the instrument herewith set out as it appears of record in the District Clerk's Office of Hays County, Texas this 3 day of AUGUST, 20 16.
Beverly Crumley, District Clerk

By: WATER

Deputy

CIVIL CASE INFORMATION SHEET
16-1236

CAUSE NUMBER (FOR CLERK USE ONLY): _____ COURT (FOR CLERK USE ONLY): _____

STYLED Anthony Paul Acosta v. Old 77 Trucking
 (e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>Peter Mills</u> Address: <u>3910 S. IH-35, Ste. 200</u> City/State/Zip: <u>Austin, Texas 78704</u> Signature: _____ <u>/s/ Peter Mills</u> Email: <u>pmills@jonbonilla.com</u> Telephone: <u>512-441-1111</u> Fax: <u>512-445-7505</u> State Bar No: <u>24043827</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>Anthony Paul Acosta</u> Defendant(s)/Respondent(s): <u>Old 77 Trucking</u> [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <u>Debt/Contract</u> <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <u>Foreclosure</u> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <u>Malpractice</u> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <u>Product Liability</u> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <u>Divorce</u> <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:		Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:		
Probate & Mental Health					
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings		<input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:		
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case):					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000					

I, BEVERLY CRUMLEY, District Clerk of Hays County, Texas, hereby certify that the foregoing consisting of 1 pages, is a true, correct and full copy of the instrument herewith set out as it appears of record in the District Clerk's Office of Hays County, Texas this 3 day of AUGUST, 20 16.
Beverly Crumley, District Clerk

By: 
Deputy

TRUE AND
CORRECT COPY

6/23/2016 5:45:42 PM

Beverly Crumley
District Clerk
Hays County, Texas**BEVERLY CRUMLEY**
HAYS COUNTY DISTRICT CLERKHays County Government Center 712 S. Stagecoach Trail #2211 San Marcos, Texas 78666
PHONE (512) 393-7660 FAX (512) 393-7674ISSUANCE OF PROCESS INSTRUCTIONS
CAUSE NUMBER: 16-1236**TYPE OF PROCESS:**

- ☒ Citation ☐ Citation by Posting ☐ Temporary Restraining Order
☐ Citation by Publication (Please indicate which newspaper below)
☐ Temporary Injunction ☐ Permanent Injunction ☐ Show Cause Notice
☐ Precept ☐ Appl. and Temp Ex Parte Protective Order ☐ Capias
☐ Writ of Attachment (person) ☐ Writ of Habeas Corpus ☐ Writ of Sequestration
☐ Writ of Garnishment ☐ Criminal Subpoena
☐ Other _____ (Do not request post judgment remedies, use Request for Post Judgment Writ/Request for Abstract of Judgment forms)

TYPE OF SERVICE:

- ☐ Attorney will pick up (Place in Attorney Box)
☐ Runner/Process Server will pick up (Place in Pick Up Box)
☒ Mail to Attorney's Office/Requesting Party
☐ Forward to Constable's Office **Service Fee and Copy or Copy Fee Required**
☐ Serve by Certified Mail **Service Fee and Copy or Copy Fee Required**
☐ Publication (Circle one) Hays Free Press San Marcos Daily Record
 (*Service Fee Required*) Brief Statement of Suit (use reverse side)
☐ Posting at Courthouse Door
 (*Service fee and copy or copy fee required*) Brief Statement of Suit (use reverse side)

TITLE OF DOCUMENT TO BE SERVED AND FILE

DATE: (Citation and original petition, discovery requests) _____

PARTY TO BE SERVED: (Please fill out a new request form per party to be served) ****Do not complete this section if filing Application for Criminal Subpoena****NAME/AGENT: Raymond Sveeggen, d/b/a Old 77 TruckingADDRESS: 29475 472nd AvenueCITY/STATE/ZIP: Beresford, SD 57004SIGNATURE OF PARTY REQUESTING SERVICE: PHONE NUMBER: 512-441-1111E-MAIL: <pmills@jonbonilla.com>****IF SERVICE IS NOT PICKED UP WITHIN 14 BUSINESS DAYS, IT WILL BE DESTROYED******

I, BEVERLY CRUMLEY, District Clerk of Hays County, Texas, hereby certify that the foregoing consisting of 1 pages, is a true, correct and full copy of the instrument herewith set out as it appears of record in the District Clerk's Office of Hays County, Texas this 3 day of August, 20 16.
Beverly Crumley, District Clerk

By: 

Deputy

**TRUE AND
CORRECT COPY**CITATION
THE STATE OF TEXAS

CAUSE NO. 16-1236

STYLED: ANTHONY PAUL ACOSTA VS. OLD 77 TRUCKING

TO: RAYMOND SVEEGGEN, D/B/A OLD 77 TRUCKING, 29475 472ND AVENUE, BERESFORD, SD 57004

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 am on the Monday next following the expiration of 20 days after the date you were served this citation and petition, a default judgment may be taken against you."

Attached is a copy of the PLAINTIFF ANTHONY PAUL ACOSTA'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE, INTERROGATORIES, AND REQUEST FOR DISCLOSURE, INTERROGATORIES, AND REQUEST FOR PRODUCTION TO DEFENDANT OLD 77 TRUCKING, which was filed by the PLAINTIFF, in the above styled and numbered cause on the 23RD DAY OF JUNE, 2016, in the 22nd District Court of Hays County, San Marcos, Texas.

Issued and given under my hand and seal of said Court at San Marcos, Texas on this the 29th day of June, 2016.

REQUESTED BY:
Peter Mills
BONILLA LAW FIRM
3910 IH-35 South Suite 200
Austin TX 78704
512-441-1111

BEVERLY CRUMLEY
Hays County District Clerk
Hays County Government Center
712 Stagecoach Trail, Ste. 2211
San Marcos, Texas 78666

By: Charlotte Ladd
Charlotte Ladd, Deputy

OFFICER'S RETURN

Came to hand on the ___ day of _____ 20__ at _____ o'clock ___ M and executed the ___ day of _____ 20__ by delivering to defendant _____ in person, a true copy of this citation with a copy of the petition attached thereto on ___ day of _____ 20__ at _____ o'clock ___ M at _____ in _____ County, Texas.

[] Not executed. The diligence used in finding defendant being _____

[] Information received as to the whereabouts of defendant being _____

Service Fee: \$ _____

Sworn to and subscribed before me this the
___ day of _____, _____.

SHERIFF/CONSTABLE/AUTHORIZED PERSON
BY: _____

Printed Name of Server

NOTARY PUBLIC, THE STATE OF TEXAS

County, Texas

ORIGINAL FOR RETURN**Tab 7**

I, BEVERLY CRUMLEY, District Clerk of Hays County, Texas, hereby certify that the foregoing consisting of 1 pages, is a true, correct and full copy of the instrument herewith set out as it appears of record in the District Clerk's Office of Hays County, Texas this 3 day of August, 2016.
Beverly Crumley, District Clerk

By: WATB

Deputy

**TRUE AND
CORRECT COPY**FILED
7/29/2016 5:51:57 PM
Beverly Crumley
District Clerk
Hays County, Texas

CAUSE NO. 16-1236

ANTHONY PAUL ACOSTA,	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
vs.	§	22 ND JUDICIAL DISTRICT
	§	
OLD 77 TRUCKING,	§	
Defendant.	§	HAYS COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER

Defendant Old 77 Trucking (hereinafter "Defendant") files this Original Answer to Plaintiff's Original Petition.

I.
GENERAL DENIAL

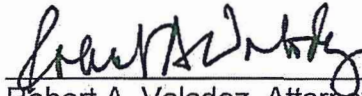
Subject to such stipulations and admissions as may hereinafter be made, Defendant asserts a general denial as authorized by Rule 92 of the TEXAS RULES OF CIVIL PROCEDURE, and respectfully requests that Plaintiff be required to prove the charges and allegations made against it by a preponderance of the evidence as required by the Constitution and laws of The State of Texas.

II.
PRAYER

Wherefore, premises considered, Defendant Old 77 Trucking prays that Plaintiff recovers nothing from Defendant, that the Court enter judgment that Defendant recovers all costs of court, and for all other relief to which Defendant may be entitled.

TRUE AND
CORRECT COPY

Respectfully submitted,



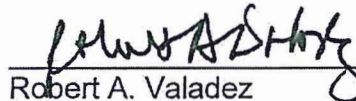
Robert A. Valadez, Attorney-in-Charge
State Bar No. 20421845
SHELTON & VALADEZ, P.C.
600 Navarro, Suite 500
San Antonio, Texas 78205-1860
(210) 349-0515 Telephone
(210) 349-3666 Facsimile
rvaladez@shelton-valadez.com

ATTORNEY FOR DEFENDANT
OLD 77 TRUCKING

CERTIFICATE OF SERVICE


I certify that a true and correct copy of the above and foregoing is being electronically filed and served in accordance with TEXAS RULES OF CIVIL PROCEDURE 8, 21, and 21a, on the 29th day of July, 2016, to counsel of record as follows:

Peter Mills
BONILLA LAW FIRM
3910 S. IH-35, Suite 200
Austin, Texas 78704
pmills@jonbonilla.com


Robert A. Valadez

#419828

I, BEVERLY CRUMLEY, District Clerk of Hays County, Texas, hereby certify that the foregoing consisting of 2 pages, is a true, correct and full copy of the instrument herewith set out as it appears of record in the District Clerk's Office of Hays County, Texas this 3 day of August, 2016.
Beverly Crumley, District Clerk

By: 
Deputy